

117TH CONGRESS
1ST SESSION

H. R. 6014

To establish a commission to study the war in Afghanistan.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2021

Mr. KIM of New Jersey (for himself and Mr. MEIJER) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a commission to study the war in Afghanistan.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Afghanistan War Com-
5 mission Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) APPLICABLE PERIOD.—The term “applica-
9 ble period” means the period beginning June 1,
10 2001, and ending August 30, 2021.

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Armed Services of
5 the Senate;

6 (B) the Committee on Foreign Relations of
7 the Senate;

8 (C) the Select Committee on Intelligence of
9 the Senate;

10 (D) the Committee on Appropriations of
11 the Senate;

12 (E) the Committee on Armed Services of
13 the House of Representatives;

14 (F) the Committee on Foreign Affairs of
15 the House of Representatives;

16 (G) the Permanent Select Committee on
17 Intelligence of the House of Representatives;
18 and

19 (H) the Committee on Appropriations of
20 the House of Representatives.

21 (3) INTELLIGENCE COMMUNITY.—The term
22 “intelligence community” has the meaning given
23 that term in section 3(4) of the National Security
24 Act of 1947 (50 U.S.C. 3003(4)).

1 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

2 (a) ESTABLISHMENT.—There is established in the
3 legislative branch an independent commission to be known
4 as the Afghanistan War Commission (in this Act referred
5 to as the “Commission”).

6 (b) MEMBERSHIP.—

7 (1) COMPOSITION.—The Commission shall be
8 composed of 16 members of whom—

9 (A) 1 shall be appointed by the Chairman
10 of the Committee on Armed Services of the
11 Senate;

12 (B) 1 shall be appointed by the ranking
13 member of the Committee on Armed Services of
14 the Senate;

15 (C) 1 shall be appointed by the Chairman
16 of the Committee on Armed Services of the
17 House of Representatives;

18 (D) 1 shall be appointed by the ranking
19 member of the Committee on Armed Services of
20 the House of Representatives;

21 (E) 1 shall be appointed by the Chairman
22 of the Committee on Foreign Relations of the
23 Senate;

24 (F) 1 shall be appointed by the ranking
25 member of the Committee on Foreign Relations
26 of the Senate;

1 (G) 1 shall be appointed by the Chairman
2 of the Committee on Foreign Affairs of the
3 House of Representatives;

4 (H) 1 shall be appointed by the ranking
5 member of the Committee on Foreign Affairs of
6 the House of Representatives;

7 (I) 1 shall be appointed by the Chairman
8 of the Select Committee on Intelligence of the
9 Senate;

10 (J) 1 shall be appointed by the ranking
11 member of the Select Committee on Intelligence
12 of the Senate;

13 (K) 1 shall be appointed by the Chairman
14 of the Permanent Select Committee on Intel-
15 ligence of the House of Representatives;

16 (L) 1 shall be appointed by the ranking
17 member of the Permanent Select Committee on
18 Intelligence of the House of Representatives;

19 (M) 1 shall be appointed by the majority
20 leader of the Senate;

21 (N) 1 shall be appointed by the minority
22 leader of the Senate;

23 (O) 1 shall be appointed by the Speaker of
24 the House of Representatives; and

(P) 1 shall be appointed by the Minority Leader of the House of Representatives.

(C) be a current or former registrant under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

22 (D) have previously investigated Afghani-
23 stan policy or the war in Afghanistan through
24 employment in the office of a relevant inspector
25 general;

(E) have been the sole owner or had a majority stake in a company that held any United States or coalition defense contract providing goods or services to activities by the United States Government or coalition in Afghanistan during the applicable period; or

(F) have served, with direct involvement in actions by the United States Government in Afghanistan during the time the relevant official served, as—

(i) a cabinet secretary or national security adviser to the President; or

(ii) a four-star flag officer, Under Secretary, or more senior official in the Department of Defense or the Department of State.

(4) DATE.—

(A) IN GENERAL.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(B) FAILURE TO MAKE APPOINTMENT.—If an appointment under paragraph (1) is not made by the appointment date specified in subparagraph (A)—

7 (c) PERIOD OF APPOINTMENT; VACANCIES.—

8 (1) IN GENERAL.—A member of the Commis-
9 sion shall be appointed for the life of the Commis-
10 sion.

11 (2) VACANCIES.—A vacancy in the Commis-
12 sion—

17 (d) MEETINGS.—

22 (2) FREQUENCY.—The Commission shall meet
23 at the call of the Co-Chairpersons.

1 (3) QUORUM.—A majority of the members of
2 the Commission shall constitute a quorum, but a
3 lesser number of members may hold hearings.

4 (e) CO-CHAIRPERSONS.—The Commission shall se-
5 lect, by a simple majority vote—

6 (1) 1 Co-Chairperson from the members of the
7 Commission appointed by chairpersons of the appro-
8 priate congressional committees; and

9 (2) 1 Co-Chairperson from the members of the
10 Commission appointed by the ranking members of
11 the appropriate congressional committees.

12 **SEC. 4. PURPOSE OF COMMISSION.**

13 The purpose of the Commission is—

14 (1) to examine the key strategic, diplomatic,
15 and operational decisions that pertain to the war in
16 Afghanistan during the relevant period, including
17 decisions, assessments, and events that preceded the
18 war in Afghanistan; and

19 (2) to develop a series of lessons learned and
20 recommendations for the way forward that will in-
21 form future decisions by Congress and policymakers
22 throughout the United States Government.

23 **SEC. 5. DUTIES OF COMMISSION.**

24 (a) STUDY.—

1 (1) IN GENERAL.—The Commission shall con-
2 duct a thorough study of all matters relating to com-
3 bat operations, reconstruction and security force as-
4 sistance activities, intelligence operations, and diplo-
5 matic activities of the United States pertaining to
6 the Afghanistan during the period beginning Sep-
7 tember 1, 1996, and ending August 30, 2021.

8 (2) MATTERS STUDIED.—The matters studied
9 by the Commission shall include—

10 (A) for the time period specified under
11 paragraph (1)—

12 (i) the policy objectives of the United
13 States Government, including—

14 (I) military objectives;

15 (II) diplomatic objectives;

16 (III) development objectives; and

17 (IV) intelligence objectives;

18 (ii) significant decisions made by the
19 United States, including the development
20 of options presented to policymakers;

21 (iii) the efficacy of efforts by the
22 United States Government in meeting the
23 objectives described in subsection (A), in-
24 cluding an analysis of—

25 (I) military efforts;

(II) diplomatic efforts;

(III) development efforts; and

(IV) intelligence efforts; and

(iv) the efficacy of counterterrorism

efforts against al Qaeda, the Islamic State

Khorasan Province, and other foreign ter-

rrorist organizations in degrading the will

8 and capabilities of such organizations—

(I) to mount external attacks

against the United States mainland or

its allies and partners; or

(II) to threaten regional stability

in Afghanistan and neighboring coun-

tries;

(B) the efficacy of metrics, measures of ef-

effectiveness, and milestones used to assess

progress of diplomatic, military, and intelligence

efforts;

(C) the efficacy of interagency planning

and execution process by the United States

Government;

(D) factors that led to the collapse of the

Afghan National Defense Security Forces in

2021, including—

(i) training;

(ii) assessment methodologies;

(iii) building indigenous forces on

3 western models;

(iv) reliance on technology and logis-

⁵ See also the discussion in the previous section on how the U.S. Constitution's political support; and

(v) reliance on warfighting enablers

7 provided by the United States;

(E) the efficacy of counter-corruption ef-

forts to include linkages to diplomatic lines of

effort, linkages to foreign and security assist-

ance, and assessment methodologies;

(F) the efficacy of counter-narcotic efforts

13 to include alternative livelihoods, eradication,

interdiction, and education efforts;

(G) the role of countries neighboring Af-

ghanistan in contributing to the instability of

manistan; and

18 (H) varying diplomatic approaches between

Presidential administrations.

20 (b) REPORT REQUIRED.—

(1) IN GENERAL.—

(A) ANNUAL REPORT.—

23 (i) IN GENERAL.—Not later than 1

year after the date of the initial meeting of

25 the Commission, and annually thereafter,

1 the Commission shall submit to the appropriate congressional committees a report
2 describing the progress of the activities of
3 the Commission as of the date of such report,
4 including any findings, recommendations,
5 or lessons learned endorsed by the
6 Commission.

7
8 (ii) ADDENDA.—Any member of the
9 Commission may submit an addendum to a
10 report required under clause (i) setting
11 forth the separate views of such member
12 with respect to any matter considered by
13 the Commission.

14 (iii) BRIEFING.—On the date of the
15 submission of the first annual report, the
16 Commission shall brief Congress.

17 (B) FINAL REPORT.—

18 (i) SUBMISSION.—Not later than 3
19 years after the date of the initial meeting
20 of the Commission, the Commission shall
21 submit to Congress a report that contains
22 a detailed statement of the findings, recom-
23 mendations, and lessons learned en-
24 dorsed by the Commission.

18 (3) SUBSEQUENT REPORTS ON DECLASSIFICA-
19 TION.—

(ii) a broad description of items in the annex that the agency is declining to declassify at the time of the report; and

15 SEC. 6. POWERS OF COMMISSION.

16 (a) HEARINGS.—The Commission may hold such
17 hearings, take such testimony, and receive such evidence
18 as the Commission considers necessary to carry out its
19 purpose and functions under this Act.

20 (b) ASSISTANCE FROM FEDERAL AGENCIES.—

21 (1) INFORMATION.—

17 (c) POSTAL SERVICES.—The Commission may use
18 the United States mails in the same manner and under
19 the same conditions as other departments and agencies of
20 the Federal Government.

21 (d) GIFTS.—The Commission may accept, use, and
22 dispose of gifts or donations of services, goods, and prop-
23 erty from non-Federal entities for the purposes of aiding
24 and facilitating the work of the Commission. The author-
25 ity in this section does not extend to gifts of money. Gifts

1 accepted under this authority shall be documented, and
2 conflicts of interest or the appearance of conflicts of inter-
3 est shall be avoided. Subject to the authority in this Act,
4 commissioners shall otherwise comply with rules set forth
5 by the Select Committee on Ethics of the Senate and the
6 Committee on Ethics of the House of Representatives gov-
7 erning employees of the Senate and the House of Rep-
8 resentatives.

9 (e) LEGISLATIVE ADVISORY COMMITTEE.—The Com-
10 mission shall operate as a legislative advisory committee
11 and shall not be subject to the provisions of the Federal
12 Advisory Committee Act (Public Law 92–463; 5 U.S.C.
13 App) or section 552b, United States Code (commonly
14 known as the Government in the Sunshine Act).

15 **SEC. 7. COMMISSION PERSONNEL MATTERS.**

16 (a) COMPENSATION OF MEMBERS.—A member of the
17 Commission who is not an officer or employee of the Fed-
18 eral Government shall be compensated at a rate equal to
19 the daily equivalent of the annual rate of basic pay pre-
20 scribed for level IV of the Executive Schedule under sec-
21 tion 5315 of title 5, United States Code, for each day (in-
22 cluding travel time) during which the member is engaged
23 in the performance of the duties of the Commission.

24 (b) TRAVEL EXPENSES.—A member of the Commis-
25 sion shall be allowed travel expenses, including per diem

1 in lieu of subsistence, at rates authorized for employees
2 of agencies under subchapter I of chapter 57 of title 5,
3 United States Code, while away from their homes or reg-
4 ular places of business in the performance of services for
5 the Commission.

6 (c) STAFF.—

7 (1) STATUS AS FEDERAL EMPLOYEES.—Not-
8 withstanding the requirements of section 2105 of
9 title 5, United States Code, including the required
10 supervision under subsection (a)(3) of such section,
11 the members of the commission shall be deemed to
12 be Federal employees.

13 (2) EXECUTIVE DIRECTOR.—The Commission
14 shall appoint and fix the rate of basic pay for an Ex-
15 ecutive Director in accordance with section 3161(d)
16 of title 5, United States Code.

17 (3) PAY.—The Executive Director, with the ap-
18 proval of the Commission, may appoint and fix the
19 rate of basic pay for additional personnel as staff of
20 the Commission in accordance with section 3161(d)
21 of title 5, United States Code.

22 (d) DETAIL OF GOVERNMENT EMPLOYEES.—A Fed-
23 eral Government employee may be detailed to the Commis-
24 sion without reimbursement, and such detail shall be with-
25 out interruption or loss of civil service status or privilege.

1 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
2 TENT SERVICES.—The Co-Chairpersons of the Commis-
3 sion may procure temporary and intermittent services
4 under section 3109(b) of title 5, United States Code, at
5 rates for individuals that do not exceed the daily equiva-
6 lent of the annual rate of basic pay prescribed for level
7 V of the Executive Schedule under section 5316 of that
8 title.

9 **SEC. 8. TERMINATION OF COMMISSION.**

10 The Commission shall terminate 90 days after the
11 date on which the Commission submits the report required
12 under section 5(b)(1)(B).

13 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—Of the funds appropriated to the
15 legislative branch, \$3,000,000 from the Afghanistan Secu-
16 rity Forces Fund may be made available to carry out the
17 activities of the Commission.

18 (b) AVAILABILITY.—Any sums appropriated under
19 the authorization contained in this Act shall remain avail-
20 able, without fiscal year limitation, until the date of the
21 termination of the Commission under section 8.

